

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 14, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Ellie Hill Smith (D)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 380, 2/09/2017, HB 385, 2/09/2017, HB 404 2/09/2017
HB 438, 2/10/2017,
Executive Action: HB 44, HB 70, HB 348, HB 349, HB 350

HEARING ON HB 438**Opening Statement by Sponsor:**

00:01:03 Rep. Kenneth Holmlund (R), HD 38, opened the hearing on HB 438, Redefine youth correctional facility and state prison.

Proponents' Testimony:

00:08:37 Loraine Wodnik, Department of Corrections (COR)

Opponents' Testimony: None**Informational Testimony:**

00:14:04 Karen Simpson, Montana Legislative Audit Division (LAD)
00:14:27 Cindy McKenzie, Department of Corrections (COR)
00:15:10 Steve Gibson, Self
00:15:55 Steve Ray, Pine Hills Youth Correctional Facility

Questions from Committee Members and Responses:

00:16:41 Rep. Eck
00:16:50 Karen Simpson, LAD
00:17:12 Rep. Wagoner left the meeting
00:19:12 Rep. Court
00:19:44 Steve Ray, Pine Hills Correctional Facility
00:22:05 Rep. C. Knudsen
00:22:19 Steve Ray, Pine Hills Correctional Facility
00:23:17 Rep. Kelker
00:23:50 Loraine Wodnik, COR
00:25:08 Chair Doane
00:25:53 Rep. Harris
00:27:01 Cindy McKenzie, COR
00:32:49 Rep. Bishop
00:33:36 Loraine Wodnik, COR

Closing by Sponsor:

00:36:13 Rep. Holmlund

HEARING ON HB 380**Opening Statement by Sponsor:**

00:38:43 Rep. Virginia Court (D), HD 50, opened the hearing on HB 380, Prohibit texting while driving.

EXHIBIT(juh32a01)**Proponents' Testimony:**

00:48:17 Lorri Byron, American Academy of Pediatrics (AAP)
00:51:13 Leona Schneemann, Self
00:56:45 Jason Hildenstab, Montana Highway Patrol (MHP)
00:59:20 Mike Tooley, Montana Department of Transportation (DOT)
01:01:20 Anna O'Donnell, AAA Mountain West
01:04:42 Spook Stang, Motor Carriers of Montana (MCM)

01:07:37 Aiden Myhre, AT&T
 01:09:57 Jean Branscum, Montana Medical Association (MMA)
 01:12:02 Aimee Grmoljez, Montana Hospital Association, Property Casualties Insurance
 Association, Billings Clinic
 01:14:14 Ed Bartlett, Billings Chamber of Commerce
 01:14:40 Erin McGowan, Local Public Health, Montana Public Health Association (MPHA)
 01:15:41 John MacDonald, Alliance of Automobile Manufacturers
 01:16:21 Tim Burton, Montana League of Cities and Towns (MLCT)

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:17:06 Rep. Manzella
 01:17:38 Rep. Court
 01:18:02 Rep. Eck left the meeting
 01:18:24 Rep. Manzella
 01:19:15 Jason Hildenstab, MHP
 01:20:49 Rep. Mortensen
 01:21:10 Rep. Court
 01:21:26 Rep. Harris
 01:22:41 John MacDonald, Alliance of Automobile Manufacturers
 01:24:03 Rep. B. Brown
 01:24:29 Anna ODonnell, AAA Mountain West
 01:25:32 Rep. B. Brown
 01:25:58 Jason Hildenstab, MHP
 01:26:35 Rep. Usher
 01:27:11 Anna ODonnell, AAA Mountain West
 01:27:28 Rep. Usher
 01:28:02 Rep. Court
 01:29:29 Rep. Bishop
 01:30:33 Lorri Byron, AAP

Closing by Sponsor:

01:31:29 Rep. Court

 01:34:56 Recess
 01:47:32 Reconvene

HEARING ON HB 404**Opening Statement by Sponsor:**

01:47:42 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 404,
 Generally revise laws related to rentals.

Proponents' Testimony:

01:53:53 John Sinrud, Montana Landlords Association (MLA)
 02:03:20 Rick Linafelter, Montana Landlords Association (MLA)
 02:03:38 Steven Galloway, Self

Opponents' Testimony:

02:04:32 Rep. Hopkins

Informational Testimony: None**Questions from Committee Members and Responses:**

02:06:09 Rep. Morigeau
02:07:53 Rep. Sheldon-Galloway
02:16:46 Rep. Kelker
02:17:16 Rep. Sheldon-Galloway
02:20:02 Rep. Regier
02:20:26 Rep. Hopkins
02:21:22 Rep. B. Brown
02:22:18 John Sinrud, MLA
02:23:27 Rep. Bishop
02:24:40 Rep. Sheldon-Galloway

Closing by Sponsor:

02:27:48 Rep. Sheldon-Galloway

HEARING ON HB 385**Opening Statement by Sponsor:**

02:29:16 Rep. Seth Berglee (R), HD 58, opened the hearing on HB 385, Provide for the Montana school safety act.

[EXHIBIT\(juh32a02\)](#)[EXHIBIT\(juh32a03\)](#)**Proponents' Testimony:**

02:31:14 Gary Marbut, Montana Shooting Sports Association (MSSA)
02:38:30 Garret Bacon, Self

Opponents' Testimony:

02:39:47 Pamela Owen, Moms Demand Action for Gun Sense in America
02:42:23 John Moffatt, Moms Demand Action for Gun Sense in America
02:54:38 Paulette Kohman, Moms Demand Action for Gun Sense in America
02:55:55 William Clawson, Self
02:56:45 Susan Byorth, Moms Demand Action for Gun Sense in America
03:00:09 Rep. McConnell
03:00:26 Rep. Court
03:00:50 Marleen Simms, Moms Demand Action for Gun Sense in America

[EXHIBIT\(juh32a04\)](#)

03:01:13 Rep. Court
03:01:30 Chair Doane
03:01:34 Charlotte Trolinger, Self
03:02:12 Lei-Anna Bertelsen, Moms Demand Action for Gun Sense in America
03:02:38 Rep. Mortensen
03:03:11 Barbara Burkland, Moms Demand Action for Gun Sense in America

[EXHIBIT\(juh32a05\)](#)

03:03:31 John Ilgenfritz, Self

03:04:02 Tom Platt, Self

EXHIBIT(juh32a06)

03:04:13 Christina Dewald, Self

03:04:21 Barbara Lancaster

03:04:42 Ariea Barry, Self

03:04:53 Kylie Lammers, Self

EXHIBIT(juh32a07)

03:05:13 Roxanne Weikel, Self

03:05:29 Paulette Hutcheon, Self

03:05:49 Aislin Osnor, Self

03:06:02 Linda Sandman, Self

03:06:14 Pat Oudet, School Administrators of Montana (SAM)

03:06:30 Rick Cottingham, Moms Demand Action for Gun Sense in America

03:06:53 Don Jones, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

03:07:11 Rachel Carroll Rivas, Montana Human Rights Network

03:07:37 Rebecca Squires, Moms Demand Action for Gun Sense in America

03:07:48 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Informational Testimony: None

Questions from Committee Members and Responses:

03:08:17 Rep. McConnell

03:08:57 Rep. Berglee

03:10:13 Rep. McConnell

03:10:43 John Moffett, Moms Demand Action for Gun Sense in America

03:11:14 Rep. Morigeau

03:11:45 Rep. Berglee

03:14:52 Rep. Morigeau

03:15:53 Chair Doane

03:16:07 Rep. Morigeau

03:16:47 Chair Doane

03:16:51 Rep. McConnell

03:17:13 Chair Doane

03:17:27 Rep. Court

03:17:48 Rep. Morigeau

03:18:12 Chair Doane

03:18:22 Gary Marbut, MSSA

03:18:59 Rep. Morigeau

03:19:31 Gary Marbut, MSSA

03:19:36 Rep. Kelker

03:20:02 Rep. Berglee

03:21:50 Rep. Harris

03:23:19 Gary Marbut, MSSA

03:24:55 John Moffett, Moms Demand Action for Gun Sense in America

03:25:11 Rep. Usher

03:25:39 Rep. Berglee
03:26:29 Rep. Usher
03:27:07 Pat Oudet, SAM
03:30:16 Rep. Bishop
03:30:56 Kylie Lammers, Moms Demand Action for Gun Sense in America

Closing by Sponsor:

03:34:36 Rep. Berglee

03:41:27 Recess

03:56:02 Reconvene

EXECUTIVE ACTION ON HB 44

03:56:47 **Motion:** Rep. Berglee moved that **HB 44 DO PASS.**

03:56:56 **Motion:** Rep. Berglee moved that **HB 44 BE AMENDED.**

Discussion:

03:57:02 Helen Thigpen, Legislative Services Division (LSD)

03:58:08 Chair Doane

03:58:46 Rep. Kelker

03:59:10 Helen Thigpen, LSD

03:59:28 Rep. Regier

03:59:41 Helen Thigpen, LSD

03:59:59 Chair Doane

04:00:15 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

04:00:53 **Motion/Vote:** Rep. Berglee moved that **HB 44 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

Discussion:

04:01:40 Rep. Usher

04:02:30 Chair Doane

04:02:35 Rep. Usher

04:02:47 Rep. Kelker

04:03:02 Rep. Usher

04:03:33 Chair Doane

04:03:44 Rep. McConnell

04:04:40 Rep. Usher

EXECUTIVE ACTION ON HB 70

04:05:12 **Motion/Vote:** Rep. Kelker moved that **HB 70 BE REMOVED FROM TABLE.**
Motion carried 11-5 by roll call vote with Rep. B. Brown, Rep. Harris, Rep. C. Knudsen, Rep. Manzella and Rep. Sheldon-Galloway voting no.

EXECUTIVE ACTION ON HB 348

04:07:36 **Motion:** Rep. Berglee moved that **HB 348 DO PASS.**

Discussion:

04:07:42 Helen Thigpen, LSD

04:08:19 Chair Doane

04:08:32 Rep. Court

04:09:14 Rep. B. Brown

04:09:49 Rep. C. Knudsen

04:10:18 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. B. Brown, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 349

04:12:01 **Motion:** Rep. Berglee moved that **HB 349 DO PASS.**

Discussion:

04:12:03 Helen Thigpen, LSD

04:12:29 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 350

04:13:51 **Motion:** Rep. Berglee moved that **HB 350 DO PASS.**

Discussion:

04:13:52 Helen Thigpen, LSD

04:14:14 Rep. Court

04:14:30 Rep. Bishop

04:15:18 Rep. Sheldon-Galloway

04:16:07 **Vote:** Motion carried 16-3 by roll call vote with Rep. Eck, Rep. Hill Smith and Rep. McConnell voting no. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

ADJOURNMENT

Adjournment: 04:16:39

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh32aad.pdf](#))